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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 24.04.2023

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W.P.(C) 1775/2022 & CM APPL. 5101/2022

MAHESH SINGH AND ORS.

..... Petitioners

Through: **Mr.Abhay Kumar Bhargava, Adv.**

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: **Mr.B.S. Shukla, CGSC with
Mr.Jitendra Kumar Tripathi, (GP) for
UOI.**

**Sh.Hemendra Singh, Deputy
Commandant (Law) BSF.**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Vide the present petition, petitioners pray as under:

- i. *To call the records and quash the order dated 08.09.2021 passed by the commandant of the 114 BN BSF vide which the request made by the Petitioner No.1 for applicability of PCA/HPCA was not considered being devoid of merits;*
- ii. *To call the records and quash the order dated 10.06.2021 issued by the Commandant of the 127 BN BSF whereby the HPCA/PCA of the Petitioner No 3 was stopped;*
- iii. *To call for records and quash the order dated 12.11.2021 passed by the commandant of 195 BN BSF whereby the recovery of HPCA/PCA paid to the Petitioner No 4 & 5 was not stopped because they were drawing Risk and Hardship Allowance and petitioner No.7 posted in 159 BN BSF;*
- iv. *To direct the respondents to restore/extend the benefits of HPCA/PCA to the Petitioners w.e.f. from the date of discontinuation as they are drawing risk and hardship allowance which is different from the risk allowance;*

- v. *To directing the respondent's to extend the benefits of Risk and Hardship Allowance to the petitioner no.1 w.e.f. December 2020.*

2. Learned counsel for the petitioners submits that the issue raised in the present petition is no longer *res integra* and has been decided by this Court in the case of ***SI Mahendra Kumar Yaduvanshi vs. Union of India & Ors.*** being W.P.(C) 5644/2008 dated 05.08.2008.

3. Accordingly, we hereby dispose of the present petition by directing the respondents to treat the present petition of the petitioners as a representation and decide the same within four weeks from today in view the abovementioned judgment and office memorandum dated 18.09.2019 passed by Ministry of Health and Family Welfare which is Annexure P-7 of the writ petition and communicate the decision thereof to the petitioners within one week thereafter with reasoned order.

4. With the aforesaid directions, the present petition as well as pending application stand disposed of.

5. Needless to say, if the petitioners feel aggrieved by the decision of the respondents, they may approach the appropriate forum.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

APRIL 24, 2023/ab